

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:18-cv-08449-PAE**

Reclaim the Records et al v. United States Department of
Veterans Affairs
Assigned to: Judge Paul A. Engelmayer
Cause: 05:552 Freedom of Information Act

Date Filed: 09/17/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Reclaim the Records**

represented by **David Bruce Rankin**
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ATTORNEY TO BE NOTICED

Plaintiff**Brooke Schreier Ganz**

represented by **David Bruce Rankin**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant**United States Department of Veterans
Affairs**

*including its Components, the Office of
General Counsel, the Veterans Benefits
Administration, and the Veterans Health
Administration*

represented by **Charles Salim Jacob**
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TERMINATED: 08/13/2019
LEAD ATTORNEY

Date Filed	#	Docket Text
09/17/2018	<u>1</u>	COMPLAINT against United States Department of Veterans Affairs. (Filing Fee \$ 400.00, Receipt Number 0208-15579397) Document filed by Reclaim the Records, Brooke Schreier Ganz. (Rankin, David) (Entered: 09/17/2018)
09/17/2018	<u>2</u>	AMENDED COMPLAINT amending <u>1</u> Complaint against United States Department of Veterans Affairs. Document filed by Reclaim the Records, Brooke Schreier Ganz. Related document: <u>1</u> Complaint. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit) (Rankin, David) (Entered: 09/17/2018)

09/17/2018	<u>3</u>	FILING ERROR – PDF ERROR – CIVIL COVER SHEET filed. (Rankin, David) Modified on 9/18/2018 (pne). (Entered: 09/17/2018)
09/17/2018	<u>4</u>	REQUEST FOR ISSUANCE OF SUMMONS as to United States Department of Veterans Affairs, re: <u>1</u> Complaint, <u>2</u> Amended Complaint,. Document filed by Reclaim the Records, Brooke Schreier Ganz. (Rankin, David) (Entered: 09/17/2018)
09/18/2018		***NOTICE TO ATTORNEY REGARDING DEFICIENT CIVIL COVER SHEET. Notice to attorney David Bruce Rankin to RE–FILE Document No. <u>3</u> Civil Cover Sheet. The filing is deficient for the following reason: MULTIPLE NATURES OF SUIT SELECTED (440 & 895); PLEASE SELECT ONLY ONE. Re–file the document using the event type Civil Cover Sheet found under the event list Other Documents and attach the correct PDF. Use civil cover sheet issued by S.D.N.Y. dated June 2017. The S.D.N.Y. Civil Cover Sheet dated June 2017 is located at http://nysd.uscourts.gov/file/forms/civil–cover–sheet.. (pne) (Entered: 09/18/2018)
09/18/2018		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Paul A. Engelmayer. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (pne) (Entered: 09/18/2018)
09/18/2018		Magistrate Judge Robert W. Lehrburger is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (pne) (Entered: 09/18/2018)
09/18/2018		Case Designated ECF. (pne) (Entered: 09/18/2018)
09/18/2018		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney David Bruce Rankin. The party information for the following party/parties has been modified: United States Department of Veterans Affairs. The information for the party/parties has been modified for the following reason/reasons: party text was omitted. (pne) (Entered: 09/18/2018)
09/18/2018	<u>5</u>	CIVIL COVER SHEET filed. (Rankin, David) (Entered: 09/18/2018)
09/18/2018	<u>6</u>	ELECTRONIC SUMMONS ISSUED as to United States Department of Veterans Affairs. (pne) (Entered: 09/18/2018)
10/01/2018	<u>7</u>	SUMMONS RETURNED EXECUTED. United States Department of Veterans Affairs served on 9/25/2018, answer due 10/16/2018. Service was accepted by Daniel Kennedy, Paralegal. Document filed by Reclaim the Records; Brooke Schreier Ganz. (Rankin, David) (Entered: 10/01/2018)
11/02/2018	<u>8</u>	SUMMONS RETURNED EXECUTED. United States Department of Veterans Affairs served on 11/1/2018, answer due 11/23/2018. Service was made by MAIL. Document filed by Reclaim the Records; Brooke Schreier Ganz. (Rankin, David) (Entered: 11/02/2018)
11/05/2018	<u>9</u>	NOTICE OF INITIAL PRETRIAL CONFERENCE: Initial Conference set for 12/3/2018 at 04:00 PM in Courtroom 1305, 40 Centre Street, New York, NY 10007 before Judge Paul A. Engelmayer; and as further set forth herein. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 11/5/2018) (anc) (Entered: 11/05/2018)
11/19/2018	<u>10</u>	NOTICE OF APPEARANCE by Sharanya Mohan on behalf of United States Department of Veterans Affairs. (Mohan, Sharanya) (Entered: 11/19/2018)
11/19/2018	<u>11</u>	CONSENT LETTER MOTION for Extension of Time to respond to the amended complaint and joint request to adjourn initial conference and pre–conference submission deadline addressed to Judge Paul A. Engelmayer from Sharanya Mohan dated November 19, 2018. Document filed by United States Department of Veterans Affairs.(Mohan, Sharanya) (Entered: 11/19/2018)

11/20/2018	<u>12</u>	ORDER granting <u>11</u> Letter Motion for Extension of Time: The Court grants this request. The IPTC is hereby adjourned until January 8, 2019 at 4:00 p.m. Pre-conference submission are due on January 4, 2019, including two courtesy copies of all pleadings. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 11/20/2018) (ks) (Entered: 11/20/2018)
11/20/2018		Set/Reset Hearings: Initial Conference set for 1/8/2019 at 04:00 PM before Judge Paul A. Engelmayer. (ks) (Entered: 11/20/2018)
12/17/2018	<u>13</u>	ANSWER to <u>2</u> Amended Complaint,. Document filed by United States Department of Veterans Affairs.(Mohan, Sharanya) (Entered: 12/17/2018)
12/24/2018	<u>14</u>	CONSENT LETTER MOTION to Adjourn Conference addressed to Judge Paul A. Engelmayer from Sharanya Mohan dated December 24, 2018. Document filed by United States Department of Veterans Affairs.(Mohan, Sharanya) (Entered: 12/24/2018)
12/26/2018	<u>15</u>	MEMO ENDORSED granting <u>14</u> Letter Motion to Adjourn Conference. ENDORSEMENT: Granted. The Court hereby adjourns the initial pre-trial conference until March 18, 2019 at 2:30 p.m. Pre-trial submissions are due on March 14, 2019. SO ORDERED. Initial Conference set for 3/18/2019 at 02:30 PM before Judge Paul A. Engelmayer. (Signed by Judge Paul A. Engelmayer on 12/26/2018) (kv) (Entered: 12/26/2018)
12/27/2018	<u>16</u>	STANDING ORDER M10-468: The United States Attorney's Office shall notify the Court immediately upon the restoration of Department of Justice funding. (As further set forth in this Order.) (Signed by Judge Colleen McMahon on 12/27/2018) (mro) (Entered: 01/02/2019)
12/27/2018		Case Stayed (mro) (Entered: 01/14/2019)
03/14/2019	<u>17</u>	LETTER addressed to Judge Paul A. Engelmayer from Sharanya Mohan dated March 14, 2019 re: submission in advance of initial conference and request to adjourn initial conference. Document filed by United States Department of Veterans Affairs.(Mohan, Sharanya) (Entered: 03/14/2019)
03/14/2019	<u>18</u>	MEMO ENDORSEMENT on re: <u>17</u> Letter, filed by United States Department of Veterans Affairs. ENDORSEMENT: Granted. The Court hereby directs the parties to file a joint letter, setting out each party's views on which issues remain and proposing, if necessary, a summary judgement briefing schedule. This latter is due by Monday, May 6, 2019. The Court also adjourns the pretrial conference currently scheduled for March 18, 2019 to Monday May 20, 2019. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 3/14/2019) (ks) (Entered: 03/14/2019)
05/06/2019	<u>19</u>	JOINT LETTER addressed to Judge Paul A. Engelmayer from Sharanya Mohan dated May 6, 2019 re: status update, proposed briefing schedule, and request to adjourn conference. Document filed by United States Department of Veterans Affairs.(Mohan, Sharanya) (Entered: 05/06/2019)
05/07/2019	<u>20</u>	ORDER: The Court hereby sets the following deadlines: The Government's affirmative motion for summary judgment is due Thursday, June 20, 2019; Plaintiffs' combined opposition and cross-motion for summary judgment is due Monday, August 5, 2019; The Government's combined opposition and reply brief is due Monday, August 26, 2019; and Plaintiffs' reply brief is due Monday, September 16, 2019. SO ORDERED., (Cross Motions due by 8/5/2019., Motions due by 6/20/2019., Responses due by 8/26/2019, Replies due by 9/16/2019.) (Signed by Judge Paul A. Engelmayer on 5/06/2019) (ama) Modified on 5/7/2019 (ama). (Entered: 05/07/2019)
05/14/2019	<u>21</u>	MEMO ENDORSEMENT on re: <u>19</u> Letter, filed by United States Department of Veterans Affairs. ENDORSEMENT: Granted. The Court hereby adjourns the conference set for May 20, 2019. The Court directs the parties to Dkt. 20 for the summary judgment briefing schedule. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 5/14/2019) (anc) (Entered: 05/14/2019)
06/12/2019	<u>22</u>	CONSENT LETTER MOTION for Extension of Time <i>of summary judgment deadlines</i> addressed to Judge Paul A. Engelmayer from Sharanya Mohan dated June 12, 2019. Document filed by United States Department of Veterans Affairs.(Mohan, Sharanya) (Entered: 06/12/2019)

06/12/2019	<u>23</u>	ORDER granting <u>22</u> Letter Motion for Extension of Time. Granted. SO ORDERED Cross Motions due by 8/19/2019. Motions due by 7/5/2019. (Signed by Judge Paul A. Engelmayer on 6/12/2019) (jca) (Entered: 06/12/2019)
06/12/2019		Set/Reset Deadlines: Responses due by 9/9/2019, Replies due by 9/30/2019. (jca) (Entered: 06/12/2019)
07/05/2019	<u>24</u>	MOTION for Summary Judgment . Document filed by United States Department of Veterans Affairs.(Mohan, Sharanya) (Entered: 07/05/2019)
07/05/2019	<u>25</u>	MEMORANDUM OF LAW in Support re: <u>24</u> MOTION for Summary Judgment . . Document filed by United States Department of Veterans Affairs. (Mohan, Sharanya) (Entered: 07/05/2019)
07/05/2019	<u>26</u>	DECLARATION of Deana Marakowski in Support re: <u>24</u> MOTION for Summary Judgment .. Document filed by United States Department of Veterans Affairs. (Attachments: # <u>1</u> Exhibit A – FOIA Request, # <u>2</u> Exhibit B – January 9, 2018 Letter, # <u>3</u> Exhibit C – April 6, 2018 Letter, # <u>4</u> Exhibit D – April 26, 2018 Letter, # <u>5</u> Exhibit E – July 26, 2018 Initial Agency Decision, # <u>6</u> Exhibit F – August 6, 2018 Appeal, # <u>7</u> Exhibit G – August 7, 2018 Letter)(Mohan, Sharanya) (Entered: 07/05/2019)
07/05/2019	<u>27</u>	DECLARATION of John F. Quinn III in Support re: <u>24</u> MOTION for Summary Judgment .. Document filed by United States Department of Veterans Affairs. (Mohan, Sharanya) (Entered: 07/05/2019)
07/05/2019	<u>28</u>	DECLARATION of Derek Herbert in Support re: <u>24</u> MOTION for Summary Judgment .. Document filed by United States Department of Veterans Affairs. (Mohan, Sharanya) (Entered: 07/05/2019)
07/05/2019	<u>29</u>	DECLARATION of Sharanya Mohan in Support re: <u>24</u> MOTION for Summary Judgment .. Document filed by United States Department of Veterans Affairs. (Attachments: # <u>1</u> Exhibit A – April 11, 2019 Cover Letter)(Mohan, Sharanya) (Entered: 07/05/2019)
08/12/2019	<u>30</u>	CONSENT LETTER MOTION for Extension of Time to File <i>Opposition to Summary Judgement motion</i> addressed to Judge Paul A. Engelmayer from David B. Rankin dated August 12, 2019. Document filed by Reclaim the Records, Brooke Schreier Ganz.(Rankin, David) (Entered: 08/12/2019)
08/12/2019	<u>31</u>	ORDER granting <u>30</u> Letter Motion for Extension of Time to File. Granted. The parties should expect no further extensions of this briefing schedule. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 8/12/2019) (rj) (Entered: 08/13/2019)
08/12/2019		Set/Reset Deadlines: Responses due by 10/11/2019 Replies due by 11/1/2019. (rj) (Entered: 08/13/2019)
08/13/2019	<u>32</u>	NOTICE OF APPEARANCE by Charles Salim Jacob on behalf of United States Department of Veterans Affairs. (Jacob, Charles) (Entered: 08/13/2019)
08/13/2019	<u>33</u>	LETTER addressed to Judge Paul A. Engelmayer from Sharanya Mohan dated August 13, 2019 re: request to withdraw as counsel. Document filed by United States Department of Veterans Affairs. (Attachments: # <u>1</u> Declaration of Sharanya Mohan)(Mohan, Sharanya) (Entered: 08/13/2019)
08/13/2019	<u>34</u>	MEMO ENDORSEMENT on re: <u>33</u> Letter, filed by United States Department of Veterans Affairs. ENDORSEMENT: Granted. SO ORDERED. Attorney Sharanya Mohan terminated. (Signed by Judge Paul A. Engelmayer on 8/13/2019) (jca) (Entered: 08/13/2019)
10/11/2019	<u>35</u>	CROSS MOTION for Summary Judgment . Document filed by Reclaim the Records, Brooke Schreier Ganz.(Rankin, David) (Entered: 10/11/2019)
10/11/2019	<u>36</u>	DECLARATION of David B. Rankin in Support re: <u>35</u> CROSS MOTION for Summary Judgment .. Document filed by Reclaim the Records, Brooke Schreier Ganz. (Attachments: # <u>1</u> Exhibit 1 – FOIA Request, # <u>2</u> Exhibit 2 – Def's Denial of Req, # <u>3</u> Exhibit 3 – Pl's Internal Appeal, # <u>4</u> Exhibit 4 – Def's Rsp to Appeal, # <u>5</u> Exhibit 5 – Def's Denial of Appeal, # <u>6</u> Exhibit 6 – Pl's Appeal of Denial, # <u>7</u> Exhibit 7 – Def's Ack of Appeal, # <u>8</u> Exhibit 8 – VA Training Materials)(Rankin, David) (Entered: 10/11/2019)

10/11/2019	<u>37</u>	MEMORANDUM OF LAW in Support re: <u>35</u> CROSS MOTION for Summary Judgment . <i>and in Opposition to VA's Summary Judgment Motion</i> . Document filed by Reclaim the Records, Brooke Schreier Ganz. (Rankin, David) (Entered: 10/11/2019)
11/01/2019	<u>38</u>	MEMORANDUM OF LAW in Opposition re: <u>35</u> CROSS MOTION for Summary Judgment . <i>and Reply Memorandum of Law in Support of Defendant's Motion for Summary Judgment</i> . Document filed by United States Department of Veterans Affairs. (Jacob, Charles) (Entered: 11/01/2019)